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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,352	07/11/2003	Motooki Sugihara	030843	1524

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ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP  
1725 K STREET, NW  
SUITE 1000  
WASHINGTON, DC 20006

EXAMINER
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WON, MICHAEL YOUNG

ART UNIT	PAPER NUMBER
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2155

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/617,352

Applicant(s)

SUGIHARA, MOTOOKI

Examiner

Michael Y. Won

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/7/05.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is in response to the amendment filed July 11, 2003 and the Preliminary Amendment filed January 7, 2005.
2. No claims have been amended, cancelled, or added in the Preliminary Amendment.
3. Claims 1-20 have been examined and are pending with this action.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 and 9-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Arellano et al. (US 6,694,482 B1).

### **INDEPENDENT:**

As per **claim 1**, Arellano teaches a program drawing-up apparatus comprising:

a delivery request acquisition section for acquiring a delivery request from a client apparatus (see col.9, lines 10-12: "allows the end user and/or administrator to specify the user's interest");

a contents data retrieval section for retrieving contents data according to the delivery request (see col.9, lines 2-9: "enable the capture of relevant interaction data...");

an auxiliary data generation section for generating auxiliary data to be delivered in combination with the contents data (see col.9, lines 57-60: "The Story Agent... selects the appropriate content elements and collects and organizes these elements as prescribed by an appropriate class of narrative framework"); and

a program drawing-up section for drawing up a program indicating the sequence of delivery of the contents data and the auxiliary data according to the delivery request (see col.9, lines 60-63: that is utilized by the Presentation Agent to generate a customized presentation; and col.10, lines 13-21: "Presentation Agent generates a presentation by design where the design is constrained by a narrative style").

As per claim 12, teaches a program drawing-up method comprising:

a step of acquiring a delivery request from a client apparatus (see col.9, lines 10-12: "allows the end user and/or administrator to specify the user's interest");

a step of retrieving contents data according to the delivery request (see col.9, lines 2-9: "enable the capture of relevant interaction data...");

a step of generating auxiliary data to be delivered in combination with the retrieved contents data (see col.9, lines 57-60: "The Story Agent... selects the

appropriate content elements and collects and organizes these elements as prescribed by an appropriate class of narrative framework”); and

a step of drawing up a program indicating the sequence of delivery of the contents data and the auxiliary data according to the delivery request (see col.9, lines 60-63: that is utilized by the Presentation Agent to generate a customized presentation; and col.10, lines 13-21: “Presentation Agent generates a presentation by design where the design is constrained by a narrative style”).

As per **claim 18**, Arellano teaches a program (see col.8, lines 15-19: “software infrastructure”) providing method comprising:

a step of acquiring a delivery request from a client apparatus (see col.9, lines 10-12: “allows the end user and/or administrator to specify the user’s interest”);

a step of retrieving contents data according to the delivery request (see col.9, lines 2-9: “enable the capture of relevant interaction data... ”);

a step of generating auxiliary data to be delivered in combination with the retrieved contents data (see col.9, lines 57-60: “The Story Agent... selects the appropriate content elements and collects and organizes these elements as prescribed by an appropriate class of narrative framework”);

a step of drawing up a program indicating the sequence of delivery of the contents data and the auxiliary data according to the delivery request (see col.9, lines 57-60: “The Story Agent... selects the appropriate content elements and collects and organizes these elements as prescribed by an appropriate class of narrative framework”); and

a step for the client apparatus to receive the contents data delivered from the contents delivery apparatus and the auxiliary data delivered from the program drawing-up apparatus according to the sequence of delivery of the program (see col.8, lines 10-12: "creating and delivering interactive multimedia applications and/or services").

**DEPENDENT:**

As per **claim 2**, which depends on claim 1, Arellano teaches of further comprising: a program transmission section for transmitting the program drawn up by the program drawing-up section to the client apparatus (see col.8, lines 10-12: "creating and delivering interactive multimedia applications and/or services").

As per **claim 3**, which depends on claim 1, Arellano teaches of further comprising: a contents transmission section for transmitting the contents data and the auxiliary data according to the delivery sequence drawn up by the program drawing-up section (see col.8, lines 10-12: "creating and delivering interactive multimedia applications and/or services").

As per **claim 4**, which depends on claim 1, Arellano teaches of further comprising: a client control data base storing information on users (see col.9, lines 24-26: "repository for representations of each user' preferences"); wherein the contents data retrieval section retrieves contents data by identifying the user on the basis of the delivery request from the client apparatus, taking out information on the user from the client control data base and adding the taken out user information to the requirements of retrieval (see col.9, lines 2-9: "enable the capture of relevant interaction data, the

storage and representation of a user's interests, trends, ect.,"; and col.17, lines 14-16: "tailored to a user's request and profile").

As per **claim 5**, which depends on claim 1, Arellano further teaches wherein the contents data retrieval section acquires data on the results of retrieval including information on the storage locations of the retrieved contents data (see Fig.7); and the program drawing-up section acquires the information on the storage locations of the contents data and information on the storage locations of the auxiliary data generated by the auxiliary data generation section and draws up a program (see claim 1 rejection above), sequentially arranging the pieces of information on the storage locations in the order of delivery (see col.18, lines 13-15: "hierarchal presentations"; and col.20, lines 6-8: "server would then assemble and generate a complete presentation and return HTML that would be rendered in the browser").

As per **claim 6**, which depends on claim 5, Arellano further teaches wherein the data on the results of retrieval include information on the storage locations of the contents data and contents profile information relating to the retrieved contents data (implicit: see col.19, lines 39-54: "client is bundled with both runtime engines... The story, content, and presentation database of user are remotely based"); and the auxiliary data generation section generates auxiliary data, utilizing the contents profile information (see col.9, lines 57-64: "The User Agent's user model is utilized in the selection process").

As per **claim 7**, which depends on claim 6, Arellano further teaches wherein the auxiliary data are narration data relating to the contents data; and the auxiliary data

generation section generates narration data, utilizing the contents profile information (see col.9, lines 57-60: "The Story Agent... selects the appropriate content elements and collects and organizes these elements as prescribed by an appropriate class of narrative framework").

As per **claim 9**, which depends on claim 6, Arellano further teaches wherein the auxiliary data generation section generates auxiliary data also utilizing the delivery request and the user information (see col.9, line 57-col.10, line 7: "process of selecting content is driven by the content types as specified by the content model"; and col.17, lines 14-16: "tailored to a user's request and profile").

As per **claim 10**, which depends on claim 7, Arellano further teaches wherein the contents profile information contains strings of words such as attributes and keywords characterizing the contents (see col.17, lines 16-19: "semantically"); and the auxiliary data generation section has templates for specifying the structures of various narrations, narration parts data including set phrases and words to be put in each template (see col.17, lines 16-19: "semantically to form a story"), a narration control data base for controlling the narration parts data and narration material data to be used for preparing the narration parts data (see col.18, lines 6-21: "template... fine level of specification and control").

As per **claim 11**, which depends on claim 10, Arellano further teaches wherein the auxiliary data generation section generates the narration data by selecting a template suited for the delivery request from the client (see col.18, lines 6-21: "template... fine level of specification and control") and putting set phrase data and word



data in the template on the basis of the contents profile information (see col.17, lines 16-19: "semantically to form a story").

As per **claim 13**, Arellano further teaches a program drawing-up computer program for operating a computer as a program drawing-up apparatus according to claim 1 (see col.8, lines 15-19: "software infrastructure").

As per **claim 14**, Arellano further teaches a recording medium adapted to readably record a computer program for operating a computer as a program drawing-up apparatus according to claim 1 (see col.40, lines 5-7: "computer readable medium").

As per **claim 15**, Arellano further teaches a program providing system comprising:

- a program drawing-up apparatus according to claim 1 (see claim 1 rejection above);

- a contents delivery apparatus storing the contents data (see col.9, lines 2-5: "storage"); and

- a client apparatus adapted to transmit a delivery request to the program drawing-up apparatus and receive contents data and auxiliary (see col.19 line 59-col.20, line 8).

As per **claim 16**, which depends on claim 15, Arellano further teaches wherein the program drawing-up apparatus transmits a program drawn up by way of the program drawing-up section in response to the delivery request from the client apparatus (see col.17, lines 14-16); and the client apparatus receives the contents data delivered from the contents delivery apparatus and the auxiliary data delivered from the

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program drawing-up apparatus according to the received program (see col.20, lines 6-8).

As per **claim 17**, which depends on claim 15, Arellano further teaches wherein the program drawing-up apparatus causes the contents data from the contents delivery apparatus and the auxiliary data from the auxiliary data generation section to be transmitted to the client apparatus according to the sequence of delivery of the program drawn up by the program drawing-up section in response to the delivery request from the client apparatus (see col.18, lines 13-15: "hierarchal presentations").

As per **claim 19**, Arellano further teaches a program providing computer program for operating a computer as a program providing system according to claim 15 (see col.8, lines 15-19: "software infrastructure").

As per **claim 20**, Arellano further teaches recording medium adapted to readably record a computer program for operating a computer as a program providing system according to claim 15 (see col.40, lines 5-7: "computer readable medium").

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arellano et al. (US 6,694,482 B1) in view of Lewis (US 5,355,472 A).

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Arellano teaches all the limitations of claim 8 including wherein the auxiliary data are narration data also relating to a program (see col.10, lines 59-62). However, Arellano does not explicitly teach a program prologue and a program epilogue.

Lewis teaches a program prologue and a program epilogue (see col.6, lines 4-8).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Arellano in view of Lewis by implementing a program prologue and a program epilogue. One would be motivated to do so because Arellano teaches of a multimedia story. One of ordinary skill in the art knows that stories often comprise prologue and epilogue.

### ***Conclusion***

6. For the reasons above, claims 1-20 have been rejected and remain pending.

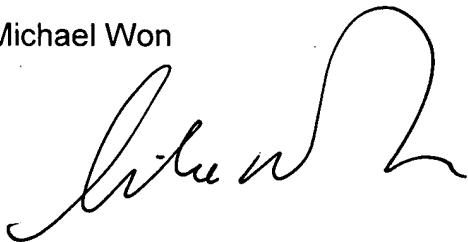
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Won

A handwritten signature in black ink, appearing to read 'Michael Won', with a large, stylized flourish at the end.

February 28, 2007